

Applicant: John David Breiten
Application No.: 10/815,179
Response to Office action dated Apr. 23, 2007
Response filed July 25, 2007

Remarks

Claims 1–5, and 19–22 remain pending in the application. In the Office action dated Apr. 23, 2007, the claims were rejected as introducing new matter under 35 U.S.C. 132(a), and under 35 U.S.C. 112, second paragraph, based on the same claim language claiming a kit, and “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention”. Claims 1–4, and 19–22, were rejected as anticipated by Fitzpatrick (2,710,445), and claim 5 was rejected as obvious over Fitzpatrick, in view of Toivanen (WO 99/60207).

Applicant has amended the preamble of the claims, replacing “kit” with – elongated doctor blade body and database (see original claim 1) – overcoming the rejections based on 35 U.S.C. 132(a) and 35 USC 112, second paragraph. As previously stated, the preamble breathes life and breath into the claims. The preamble clearly distinguishes over Fitzpatrick which discloses a safety razor. Kit is simply a description of what is present in the application – i.e., several things used together. The examiner’s rejection is overcome by replacing kit with the words from the specification.

The issue of whether the claimed invention reads on a safety razor was dealt with in applicant’s response to the requirement for election/restriction filed on Sept. 20, 2006, where, in the remarks, applicant argues that the claimed doctor blades as amended cannot be used in another and materially different process— for example, slicing food, or as shaving razor blades. In the Office action mailed on Nov. 27, 2006, the examiner did not traverse applicant’s assertion that the claims were limited to a doctor blade but acquiesced by citing only art relating to doctor blades.

Doctor Blade

The specification makes clear that the doctor blade is that used throughout the papermaking machine ¶ [0003]. The doctor blades are preferably constructed of fiber reinforced plastic ¶ [0022]. The derivation of the term “doctor blade” is derived from the wiping blades used on “ductor” rolls on flatbed letterpresses. In common usage ductor became doctor. <http://www.wmich.edu/ppse/gravure/pp9.htm>

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“[D]octor blade [:] Metal strip used in gravure printing to wipe ink off the nonprinting areas of the printing cylinder or plate, leaving ink inside the printing areas of the plate.”

<http://www.answers.com/topic/doctor-blade?cat=biz-fin>

“Doctor Blade: a thin metal or wooden blade mounted on paper machine press rolls, drying cylinders, and calender rolls to scrape the surface clean and smooth.” Pulp and Paper Dictionary revised edition, John R. Lavigne, 1993, Miller Freeman books, San Francisco.

“Doctor Blade: a device for regulating the amount of liquid material on the rollers of a spreader. Also known as doctor knife.” McGraw-Hill Dictionary of Engineering, Sybil P. Parker, editor-in-chief, 1984, McGraw-Hill Book Company, New York

Doctor Blade “Definition: A blade used for controlling the amount of liquid on the rollers of a spreading machine. (Synonyms: doctor knife)” a definition on the Web from Expert Consulting and Expert Witness Services

<http://www.intota.com/multisearch.asp?strSearchType=all&strQuery=doctor+blade>

The examiner has not and cannot dispute that the term “doctor blade” has a specific technical meaning derived from the printing industry and now widely applied to similar blades used in papermaking machines. Nor has the examiner presented any argument as to why the term doctor blade is not defined by the specification and the numerous examples and illustrations therein.

Fitzpatrick discloses a safety razor. This is no more relevant than a tape measure, to the claimed doctor blade – i.e., a strip of metal with indicia thereon. Where non-analogous art is applied, the examiner must point out what is the common problem which could cause a person of ordinary skill in the art to make reference to this unrelated art.

During the previously conducted interview of February 20, 2007, the examiner made specific suggestions to which applicant responded specifically by claiming that the database delimit a plurality of doctor blades of different lengths as overlapping portions of the doctor blade body. **The examiner has not addressed this limitation of the claims.**

Even if Fitzpatrick could be properly applied, it does not disclose: 1. doctor blades 2. a plurality of “blades” of different lengths as overlapping portions of one “blade body”. It is

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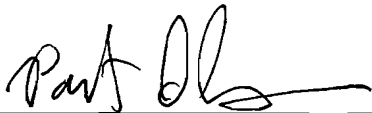
clear that if there are "blades" of any relevance disclosed in Fitzpatrick, said blades are consecutive (Fitzpatrick col. 3, lines 27-28).

The amendments should be entered, because they place the case in condition for allowance. Little consideration is necessary. In the last Office actions the examiner did not allege that the references now applied are the result of applicant's amendments. Applicant has pointed out that the new applied art is not relevant, and even if the case for relevance could be made, the applied references do not address the limitations added by the previous amendment.

Applicant believes that no new matter has been added by this amendment.

Applicant submits that the claims, as amended, are in condition for allowance. Favorable action thereon is respectfully solicited.

Respectfully submitted,



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